

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2646/2003

This the 31st day of October, 2003

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE SHRI S.A.SINGH, MEMBER (A)

Dr. J.Sundaresan Pillai,
F-62, CSIR Scientists Apartments,
Maharani Bagh,
New Delhi-110065.

... Applicant

(By Shri Akhil Sibbal with Shri Siddharth Malhotra,
Advocates)

-versus-

1. Director General,
Council of Scientific and Industrial Research,
Anusandhan Bhawan,
2, Rafi Marg, New Delhi-110001.
 2. Director, National Institute of
Science Communication and Information
Resources, CSIR,
Dr. K.S.Krishnan Marg,
New Delhi-110012.
 3. Mr. R.S.Antil,
Inquiry Authority & Senior Deputy Secretary,
Council of Scientific & Industrial Research,
Anusandhan Bhawan, 2 Rafi Marg,
New Delhi-110001.
- ... Respondents

O R D E R (ORAL)

Hon'ble Shri Justice V.S.Aggarwal :

The applicant by virtue of the present application seeks setting aside of the order of 4.6.2003 passed by respondent No.1 holding that the nomination and subsequent acceptance of Shri R.Radhakrishnan as the defence assistant of the applicant would no longer stand as actions taken by Shri K.L.Jain, enquiry officer, would be viewed as biased.

2. In all fairness to the learned counsel, we must concede that our attention has been drawn to certain

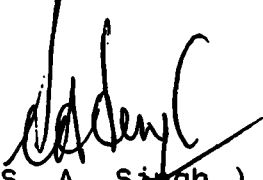


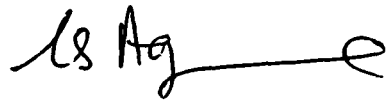
aspects of the merits of the matter pertaining to the appointment of the defence assistant. We are, for the present, not dwelling into it.

3. It is true that the Delhi High Court in CW No.3294/1999 decided on 1.12.1999 had permitted the applicant to engage any one from the list furnished by him to assist him in the enquiry, but during the course of submissions the learned counsel for the applicant informed us that enquiry report has since been submitted and the enquiry officer even has issued a notice to the applicant. The applicant has only to answer the same.

4. At this stage, therefore, keeping in view what we have recorded in the preceding paragraphs, interference in the impugned order would not be called for because in case any adverse order is passed, the applicant would be at liberty to take all the legal and factual pleas available in law, regarding which we are not expressing any opinion. At this interim stage, therefore, interference is not called for.

5. Subject to the aforesaid, therefore, we dispose of the present application holding that in case the need arises, the pleas taken in the present OA may be agitated.


(S. A. Singh)
Member (A)


(V. S. Aggarwal)
Chairman

/as/